

September 16, 2003

A regular meeting of the Redmond City Council was called to order by Mayor Rosemarie Ives at 7:30 p.m. in the Council Chambers. Councilmembers present were: Cole, McCormick, Plackett, and Robinson.

ANNOUNCEMENTS

The Mayor announced that following the regular meeting the Council would go into executive session for approximately five minutes to discuss potential litigation and labor negotiations.

EXCUSE COUNCILMEMBERS DORNING, MISENAR AND PAINE

Motion by Mr. Cole, second by Ms. McCormick, to excuse Ms. Dorning, Mr. Misenar, and Mr. Paine. Motion carried unanimously (4 - 0).

PRESENTATION

Rob McCarty, representing Mosaic Homes (Taluswood) developer at the former Coast Guard site, presented the city with a check for \$377,000 for affordable housing in Redmond. He thanked Redmond staff who helped facilitate the development process for this project - Pat Lyga, John Wellman, Sue Simpson, Dick Barthol, Steven Fischer and Terry Shirk.

RECOGNITION

Councilmember Cole read a letter from the Head of Security at the Stan Sayres Hydroplane Pits at SEAFair thanking the city and the Police Explorer Scouts for their involvement in the 2003 General Motors Cup and Key Bank Air Show.

ITEMS FROM THE AUDIENCE

Kelly Gast, Marketing Director, Redmond Town Center and the Macerich Company, 16995 NE 74 Street, updated the Council on three special initiatives new to RedmondLights this year:

- Hispanic Celebration with Los Santos Reyas
- Lighting competition to bring neighborhoods together
- Retail participation

Ms. Gast said the Steering Committee for RedmondLights chose these three elements for their influence on building tourism in Redmond, and the response has been strong from Redmond property managers and retailers. She noted RedmondLights has proven to be a unique event for the State of Washington, expressed through State of

Excellence awards, and the Bon/Macy's has been inspired to make a financial commitment. She thanked the Council for its continued support of this annual tradition.

Jerry Hardebeck, representing Waste Management/Sno-King, the city's current garbage and recycling contractor, 13225 NE 126 Place, Kirkland 98034, highlighted some of the services the company provides the City of Redmond. Referring to a handout, he described Waste Management's "Next Generation Recycling Programs" that will be offered to Redmond residents through the newly negotiated contract, including the collection of electronic scrap, textile, food waste and construction debris through single stream recycling. He noted that the handout also includes responses from the April 2003 survey of Redmond ratepayers.

CONSENT AGENDA

Motion by Ms. McCormick, second by Mr. Robinson, to approve the following items of the Consent Agenda:

- (1) approve the minutes of the regular meeting of September 2, 2003
- (2) approve the following payroll/direct deposit and claims checks:

PAYROLL/DIRECT DEPOSIT CHECKS:

#156091 through 156151; and
#114052 through 114621 \$1,208,092.45

CLAIMS CHECKS:

#208727 through 209152 \$3,781,738.40

- (3) appoint Korby Parnell to the Planning Commission
- (4) approve the allocation of up to \$10,000 of 2003 Community Development Block Grant planning dollars to hire a consultant specializing in social enterprise ventures to research options/opportunities for potential revenue-generating projects in Redmond

- (5) approve the findings that: 1) the city should continue toward design and construction of the west end of Bear Creek Parkway; 2) Parsons Brinckerhoff is the most qualified firm to undertake these services; and 3) the fair and reasonable price for providing services for the Bear Creek Parkway Extension Project is \$392,661, including contingencies; approve the consultant agreement, and authorize the Mayor to sign the agreement
- (6) approve the Consultant Agreement for Engineering Services, Bear Creek Stream Rehabilitation, Project No. 96-SD-22, with Entranco in the amount of \$439,665 including contingencies, and authorize the Mayor to sign the agreement; and authorize staff to acquire necessary right-of-way for this project
- (7) approve a consultant agreement for on-call modeling services for the Transportation Master Plan with Mirai Associates in an amount not to exceed \$65,000 including contingency, and authorize the Mayor to sign the agreement
- (8) approve the final contract amount with A-1 Landscaping & Construction, Inc., Snohomish, Washington, comprised of the base bid amount of \$1,244,570 plus bid item quantity increases and decreases and Washington State sales tax for a final contract amount of \$1,355,460; and accept construction of the Grass Lawn Park Soccer Field Project, No. 02-CI-20, as of September 16, 2003
- (9) approve Supplemental Agreement No. 2 for final design services and construction engineering

services with Perteet Engineering, Inc. for \$115,705 for the 140 Avenue NE Sidewalk Improvements, Project No. 01-CI-16; and authorize the Mayor to sign the agreement.

Motion carried unanimously (4 - 0).

OATH OF OFFICE

James E. Haney, City Attorney, administered the Oath of Office to Planning Commissioner Korby Parnell.

REPORTS

Staff Report - City Hall Project Update

The Mayor thanked the Council for its participation in last night's meeting with representatives of Wright Runstad, the developer of City Hall, and National Development Council (NDC), the non-profit corporation that will be holding our bonds.

The Mayor announced that the Council will be looking at the city hall project financing plan at a study session on Tuesday, September 23, 2003. Time at the September 30, 2003 study session has also been reserved in case the Council wishes to have another study session on financing, she noted.

Staff Report - Wildlife Habitat Plan

Roberta Lewandowski, Planning and Community Development Director, in a memorandum to the Mayor and Council dated September 16, 2003, identified policies in the Wildlife Habitat Plan Development Guide Amendment staff intends to address at the September 30, 2003 study session.

Ms. Lewandowski handed out a map of the Native Growth Protection Easements located in the city in response to a request from the Council. She noted that the map also shows Dedicated Open Space Easements and city-owned land.

Staff Report - Solid Waste Contract

Jon Spangler, Natural Resources Manager, in a memorandum dated September 16, 2003, gave an overview of the Solid Waste Contract procurement process and updated the Council on the status of negotiations with Waste Management, Inc.

OMBUDSMAN REPORT

Councilmember Cole said a constituent pointed out that most of the extra water his family uses in the summer months is for watering their garden and lawn, and did not think it was appropriate for his sewer bill to go up proportionately. Bill Campbell, city engineer, explained the sewer rate for single-family residential units is a flat rate, but the rate is proportional in commercial and multifamily units.

Councilmember Robinson said when he was doorbelling, there was a residence that backs up to Redmond Junior High, and there is a huge holding pond on school district property that is causing a nuisance in terms of stagnant water and mosquitoes.

James L. Roberts, Assistant Planning Director, said the city investigated a similar complaint, and staff is working with the school district on cleaning the pond and replanting the area around it. He said he would check to see whether staff had reported back to the resident to whom Councilmember Robinson spoke.

Councilmember Plackett said she has also received complaints from residents whose properties back up to the junior high, and she has been talking with Bob Franklin, Stormwater Division Manager, and the school district about this issue. She stated there are a number of issues that do not seem to be resolved with citizens. For example, the residents near Redmond Junior High told her that they had been trying to communicate with Lake Washington School District representatives for almost a year regarding the retention pond, she noted.

Councilmember Plackett added she also spoke with a constituent who had also been talking with Councilmember Misenar about a buffer zone between his home and a church, and is unhappy that it has never been resolved to his satisfaction.

PUBLIC HEARING - ORDINANCE: REVISIONS TO REDMOND MUNICIPAL CODE, CHAPTER 12.14, TELECOMMUNICATIONS (continued from August 19, 2003)

The Mayor opened the public hearing at 8:06 p.m.

The Mayor referred the Council to the memorandum entitled "Staff Report - Response to Comments on Revisions to Redmond Municipal Code - Chapter 12.14 'Telecommunications'" dated September 16, 2003.

Councilmember Cole noted the receipt of a letter from AT&T Wireless.

Andrew Nenninger, 19807 Northcreek Parkway North, Bothell 98033, representing T-Mobile, thanked the Mayor and the Council for continuing the hearing to give T-Mobile an opportunity to work with staff. He stated that there are still some fundamental differences that are unresolved:

- Term of franchise agreement - currently five years. T-Mobile would like to see the term more in line with existing franchise agreements with the city (fifteen years) because T-Mobile makes a substantial investment to place a cell site and that investment cannot be recouped in five years.
- Administration of the franchise - currently commingled with the land use decision on a site-by-site basis. T-Mobile would prefer a master franchise agreement rather than a site-by-site agreement.
- Leasing of fee simple land owned by the city - T-Mobile feels the references to insurance indemnifications are not palatable and would like to continue negotiations with staff.

Mr. Nenninger requested that the Council provide direction to staff with regard to these issues to allow additional modifications prior to a decision on the ordinance by the Council.

The Council asked staff to respond to Mr. Nenninger's comments.

Rob Crittenden, Public Works Engineer, said regarding the franchise term, there has been a past reluctance by the city and the Council to lock into too long a term. As land use in the area changes and new technology develops, the five-year term preserves the city's option to revisit the franchises, he concluded.

Councilmember McCormick asked is staff aware of other cities' policies in this regard? Bill Campbell, Assistant Director of Public Works, responded the term "franchising" in the telecommunications ordinance is for wireless facilities within the right-of-way; "leasing" is when the city owns the property outright. He recalled that with the first telecommunications ordinance there was a lot of discussion by the Council about the length of a lease, and the city adopted a one-year renewable lease. He continued that after hearing comments from the providers, staff felt raising it to five years was more in line with how it could be done better and give the city the flexibility for its

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fee-owned property. He stated he did not know about other cities' policies because not all cities do things the same way as Redmond. He noted that the Puget Sound Energy (PSE) franchise term is longer, but PSE provides a different kind of service. He concluded cellular sites tend to be controversial, and one reason staff recommends the five-year term is to reflect the Council's interest in hearing from the citizens and being able to respond to their concerns.

Hearing no further testimony, the Mayor closed the public hearing at 8:16 p.m.

Motion by Ms. McCormick, second by Mr. Robinson, to adopt Ordinance No. 2175, adopting revisions to Redmond Municipal Code Chapter 12.14, Telecommunications.

Ordinance No. 2175, amending Chapter 12.14 of the Redmond Municipal Code relating to telecommunications in order to update the same in accord with recent changes in state and federal law and in order to improve the same operationally; providing for severability and establishing an effective date, was presented and read.

Upon a poll of the Council, Cole, McCormick, Plackett, and Robinson voted aye. Motion carried unanimously (4 - 0).

PUBLIC HEARING - ORDINANCE: ADOPT FINDINGS OF FACT TO EXTEND INTERIM AMENDMENTS TO CITY'S SIGN REGULATIONS ADOPTED BY ORDINANCE NO. 2151 THROUGH APRIL 4, 2004

The Mayor, in a memorandum to the Council dated September 16, 2003, recommended that the Council adopt the proposed ordinance with Findings of Fact to allow the continuation of the interim sign regulations through April 4, 2004.

The Mayor opened the public hearing at 8:18 p.m. Hearing no testimony, the Mayor declared the public hearing closed at 8:19 p.m.

Motion by Mr. Cole, second by Ms. Plackett, to adopt Ordinance No. 2176, to allow continuation of interim sign regulations through April 4, 2004.

Ordinance No. 2176, declaring the continued existence of an emergency; extending the interim amendments to

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the city's sign regulations adopted by Ordinance No. 2151 through April 14, 2004, adopting findings in support of such extension and interim amendments; providing for severability and establishing an effective date, was presented and read.

Upon a poll of the Council, Cole, McCormick, Plackett, and Robinson voted aye. Motion carried unanimously (4 - 0).

ANNOUNCEMENT

The Mayor said when she was on vacation the Council heard testimony with regard to neighborhood traffic on Education Hill near NE 104 Street and 163 Avenue NE. She reminded everyone who is interested that this issue will be discussed at the Planning and Public Works Committee meeting next week.

REVISED FINDINGS OF FACT AND CONCLUSIONS FOR REDMOND WAY MONOPOLE, CUP02-001 (quasi-judicial)

The Mayor referred the Council to the document entitled "Findings of Fact, Conclusions, and Decision by the City Council in the Matter of the Application of T-Mobile for a Wireless Telecommunications Monopole" prepared by the City Attorney and dated September 16, 2003.

Motion by Ms. McCormick, second by Mr. Cole, to adopt the Findings of Fact and Conclusions relating to the Council's denial of the application of T-Mobile USA, Inc. for the installation of a monopole in a residential zone. Motion carried unanimously (4 - 0).

ORDINANCE - COMPREHENSIVE PLAN AMENDMENTS, ADOPTION OF UPDATED VISION, GOALS AND FRAMEWORK POLICIES CHAPTER

The Mayor, in a memorandum to the Council dated September 16, 2003, recommended approval of the Planning Commission's recommended amendment to the Vision, Goals and Framework Policies Chapter of the Comprehensive Plan.

Councilmember Robinson said his primary concern is with Framework Policy FW-10 on page six of the Exhibit A regarding conserving land in the North Sammamish Valley for long-term agricultural use and urban recreation, and preserving rural land north and east of the city. As it reads, he continued, the city would be just

preserving land for agricultural use and urban recreation use for the North Sammamish Valley area and preserving the land north and east of the city as rural. He noted these could be potential annexation areas. He added he was concerned about the ongoing battle between agricultural and urban recreation. He concluded he favored an option for both.

Lori Peckol, Senior Planner, suggested the following rewording of the third bullet of Framework Policy FW-10: "Preserves land in the North Sammamish Valley and rural land north and east of the City for long-term agricultural use, recreation and uses consistent with rural character."

Councilmember Robinson said that language would meet his concern.

Councilmember Robinson suggested including a reference to education in Framework Policy FW-8 on page six of Exhibit A. Ms. Peckol recommended the following revision to the first bullet under Framework Policy FW-8: "Increases community understanding of the natural environment and participation in protecting it through education and involvement programs." Councilmember Robinson accepted Ms. Peckol's proposed language.

Councilmember Robinson stated that Framework Policy FW-30 on page eight of Exhibit A should properly support the increase in population and employment. An increase in transportation capacity is needed in some areas, he concluded, and he felt that should also be reflected in this framework policy.

Ms. Peckol stated that Framework Policies FW-11 and FW-28 also related to accommodating future population and employment increases and planning to accommodate that growth for transportation, parks, and other capital facilities and services.

Councilmember McCormick stated that the Vision Statement on page two of Exhibit A also references the use of increased transportation capacity at strategic locations as a method of handling traffic congestion.

Ms. Peckol suggested that Framework Policy FW-30 be amended as follows: "Ensure that Redmond's character as a green city with a small town feel is protected when planning, constructing, and maintaining the transportation system. Prioritize, plan, and invest in transportation to achieve Redmond's land use and community character objectives while accommodating the adopted population and employment growth targets."

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This language was also acceptable to Councilmember Robinson.

Ordinance No. 2177, amending the Redmond Municipal Code and the Redmond Community Development Guide to adopt an updated Vision, Goals and Framework Policies Chapter, to remove existing framework policies and text from several chapters (DGA02-013), and establishing an effective date, was presented and read.

Motion by Ms. McCormick, second by Mr. Cole, to approve Ordinance No. 2177, adopting the Comprehensive Plan Amendment that updates the Vision, Goals and Framework Policies Chapter, and remove the existing Framework Policies and text.

Motion by Mr. Robinson, second by Mr. Cole, to amend the ordinance to reword Framework Policies FW-8, FW-10 and FW-30 as suggested by Ms. Peckol. Motion carried unanimously (4 - 0).

Upon a poll of the Council, Cole, McCormick, Plackett, and Robinson voted aye. Main motion, as amended, carried unanimously (4 - 0).

COMMUNITY EVENTS

The Mayor, in a memorandum to the City Council dated September 16, 2003, recommended that the Council authorize funding of the Fourth of July and Redmond Derby Days events.

Motion by Ms. McCormick, second by Ms. Plackett, to authorize resources for Derby Days funding of \$25,000 for next year's event planning and administration; and \$58,800 for the 2004 Fourth of July Celebration.

Councilmember Plackett said she could not support using funds set aside for the operation of the Redmond Pool to fund these events. She added she understood that there was \$70,000 in the Council Contingency fund, which could be used to fund a portion of these costs.

The Mayor stated that the Lake Washington School District has recently committed to contribute \$17,000 to \$18,000 toward operating costs in 2004.

Councilmember McCormick was concerned about using the \$70,000 in Council Contingency Funds because there are 15 months left in the biennium.

Councilmember Cole said he understood the request for fireworks funding, but was surprised about the need for an additional \$25,000 for Derby Days. He asked why the biennial budget approved in December 2002 did not include those funds? Ms. Debra Churchill, Recreation Program Manager, explained that the biennial budget did not include funds for Derby Days; planning and administration costs for Derby Days in 2003 were taken from the Parks and Recreation Department budget, but funds are not available in 2004.

Ms. Christenson, Assistant to the Mayor, recalled that since the 2003-2004 budget was initially developed in spring 2002 the economic landscape has changed considerably. At one time events like Derby Days were sponsored and produced in large part by the Redmond Chamber of Commerce and Celebrate Redmond, but their roles have diminished over the past year to the point where the city had to step in, which is why the Council is seeing the need for more city resources to be put toward these events.

Councilmember Cole said that shortfall should have been raised during the budget process last year.

In response to Councilmember's questions regarding the use of the \$400,000 set aside in the 2003-2004 biennial budget for the Redmond Pool, Ms. Christenson clarified that during the 2003-2004 budget process, the Council elected to set aside the funds for pool operating costs only. She said the city's agreement with the Northwest Center commits the city to pay \$100,000 per year for five years. The Northwest Center's negotiations with King County covered capital costs, she concluded.

Councilmember Plackett said she thought the funds were set aside in case Northwest Center does not live up to its five-year agreement.

Ms. Christenson said the Mayor's Office is committed to keeping the pool open and that is why staff is continuing to pursue funding options with the school district and other parties to contribute funding to pool operations.

Councilmember Cole requested that the Council receive a staff report on pool operations.

Motion by Mr. Robinson, second by Ms. Plackett, to table this item until

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more Councilmembers are present.
Motion to table carried (3 - 1), with
McCormick voting nay.

Councilmember Robinson suggested that the funding for these events be split between the Council Contingency Fund (\$40,000) and the remainder from the unallocated contingency funds set aside for the Redmond Pool.

Motion by Mr. Robinson, second by Ms. McCormick, to remove this item from the table in order to discuss Mr. Robinson's funding suggestion.
Motion carried (3 - 1) with Plackett voting nay.

Councilmember Cole stated that more Councilmembers should be in attendance when considering the use of Council Contingency Funds.

Motion by Mr. Robinson, second by Ms. Plackett, to table this item. Motion carried (3 - 1) with McCormick voting nay.

EXECUTIVE SESSION

The Mayor recessed the regular meeting to an Executive Session at 9:04 p.m. in order to discuss potential litigation and labor relations for approximately five minutes each. The regular meeting reconvened at 9:20 p.m.

ADJOURNMENT

There being no further business to come before the Council, the Mayor declared the meeting adjourned at 9:21 p.m.

MAYOR

CITY CLERK